

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-001208-001 DT

07/31/2015

COMMISSIONER RICHARD L. NOTHWEHR

CLERK OF THE COURT

E. Rosel

Deputy

STATE OF ARIZONA

MATTHEW STEPHEN MUELLER

v.

TODD MICHAEL ROGERS (001)

DOB: 8/5/1978

JOSEPH HERMES

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE OF IMPRISONMENT

10:11 a.m.

Courtroom CCB 1001

State's Attorney: Carrie Macias for Matthew Mueller

Defendant's Attorney: Joseph Hermes

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Teresa K. Wustrack addresses the Court.

The plea is accepted.

Count(s) 3 and 6: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-001208-001 DT

07/31/2015

OFFENSE: Count 3 (as amended) Aggravated Assault
Class 2 Felony with One Prior Felony Conviction
A.R.S. § 13-105, -1203, -1204(A)(1)(2), 01204(C), -1204(E), -3105; 12-114.01, -116.04,
-269; 13-610, -709.01, -701, -702, -703 and -801
Date of Offense: 8/23/2013
Non Dangerous - Repetitive

OFFENSE: Count 6 (as amended) Misconduct Involving Weapons
Class 4 Felony with Two Prior Felony Convictions
A.R.S. § 13-3101, -3102, -3105; 12-114.01, -116.04, -269; 13-610, -701, -702, -703 and -
801
Date of Offense: 8/7/2013
Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment
and is committed to the Arizona Department of Corrections as follows:

Count 3: 10.5 year(s) from 7/31/2015
Presentence Incarceration Credit: 170 day(s)
More Than Presumptive
Sentence is concurrent with Count 6, CR2014-139782-001, CR2012-131936-001 and
CR2012-153447-001.

Count 6 (as amended): 10 year(s) from 7/31/2015
Presentence Incarceration Credit: 170 day(s)
Presumptive
Sentence is concurrent with Count 3, CR2014-139782-001, CR2012-131936-001 and
CR2012-153447-001.

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been
convicted of the following prior felony offenses:

Solicitation to Commit Possession of Narcotic Drugs, a class 6 non dangerous felony
committed on 6/14/2012 and convicted on 8/23/2012 in Maricopa County Superior Court cause
number CR2012-131936-001.

Solicitation to Commit Possession of Narcotic Drugs, a class 6 non dangerous felony
committed on 6/3/2012 and convicted on 3/4/2013 in Maricopa County Superior Court cause
number CR2012-153447-001.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-001208-001 DT

07/31/2015

The Defendant was represented by counsel.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 3: PROBATION ASSESSMENT: \$20.00.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 3 - \$13.00.

Investigative Agency: Phoenix Police Department

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 3 and 6 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 2, 4 and 5; allegation of other prior felony convictions, that Defendant was on felony probation, parole or community supervision at the time of offense. Allegation of multiple dates of offense pursuant to ARS 13-703.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR2012-131936-001.

Defendant shall forfeit all interest in the weapons, ammunition and accessories. Defendant shall not return to the scene of the crime or any Carl's Jr.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-001208-001 DT

07/31/2015

10:25 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-001208-001 DT

07/31/2015

Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER RICHARD L. NOTHWEHR
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)